IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6962 of 1988

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JAGMOHAN B GANDHI & 6 - Petitioner(s)

Versus

STATE OF GUJ - Respondent(s)

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Appearance :

NOTICE SERVED for Petitioner(s) : 1 - 7.
MR MR MENGADE ASST GOVERNMENT PLEADER for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 22/09/2005

ORAL JUDGMENT

1. In this petition under Articles 226 and 227 of the Constitution of India, the petitioners had challenged the order passed by the Competent

Authority and Dy. Collector (ULC), Ahmedabad dated 29th July/31st August, 1998 passed under Section 8 of the Urban Land (Ceiling & Regulations) Act, 1976 declaring in all 4335 sq. mts. As excess vacant land and directing to issue final statement accordingly. This Court while issuing notice on 17.10.88 stayed further implementation and operation of the impugned order and the said ad-interim relief granted by this Court came to be confirmed by the learned Single Judge of this Court on 20th July, 1990. Therefore, it appears that further proceedings pursuant to the order passed by the Competent Authority and Dy. Collector (ULC), Ahmedabad dated 29th July/31st August, 1998 are not taken and possession of the land in question has not been taken over by the State Government.

2. Under the circumstances, considering the provisions of Urban Land (Ceiling and Regulations) Repeal Act, 1999 (Act No.15 of 1999), present proceedings stand abated.

3. Consequently, the present Special Civil Application is disposed of as having abated in view of the provisions of the Urban Land (Ceiling and Regulations) Repeal Act, 1999 (Act No.15 of 1999).

4. Rule is made absolute to the aforesaid extent, however, there will be no order as to costs. It is however, made clear that if ultimately it is found by the Appropriate Authority that possession was already taken over by the State Government prior to 1999. It will be open for the respondents to move an appropriate application for reviewing and/or recalling this order.

(M.R.SHAH, J.)

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